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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
 )  
Toll Free Service Access Codes; ) CC Docket No. 95-155  
Release of the 855 Toll Free Code ) NSD-L-00-249

To: The Common Carrier Bureau

COMMENTS OF THE  
TOLL FREE COMMERCE COALITION

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## SUMMARY

Despite longstanding concerns of The Toll Free Commerce Coalition (TTFCC) and others, the appointed managers of an essential public resource – the nation’s toll free numbers—have never acknowledged nor resolved concerns over unequal access to these numbers caused by an access technology that they market for a substantial additional fee.

What is most striking about the Comments of the SMS/800 Management Team and Database Management Services, Inc. (DSMI) is their recognition of a lockout or freeze out effect on the majority of Responsible Organizations, but their unwillingness or inability to explore all possible causes. The Commission should direct these entities, or an independent body, to adequately test for the reasons behind these lockouts in a stress test that includes their mechanized generic interfaces (MGI) as well as graphical user interfaces (GUI) and dial-up systems. These test results should then be subject to public review and comment.

The record established to date demonstrates that there is a reasonable basis for concluding that the SMS/800 management team has not definitively ruled out MGI access as the cause of freeze outs and lock outs to GUI and dial-up Responsible Organizations. Despite repeated claims and protests, SMS/800 managers have still not conducted a stress test incorporating MGI users and reflecting actual code release load conditions in the SMS/800 system. They have not released stress test results. The SMS/800 Number Administration Committee (SNAC) has not reached a broad consensus among Responsible Organizations that 855 number rollout should proceed.

The database manager’s seeming desire to sweep this issue under the rug is reflected in their willingness to distribute 866 numbers while admitting that first-come,

first-served policies were not met. TTFCC also believes that their repeated failure to follow established procedures on meeting notice, consensus creation and prior notice of system changes reflects, at best, a cavalier attitude to the needs and concerns of non-MGI Responsible Organizations.

In addition, the SMS/800 managers have yet to explain how permitting GUI and dial-up Responsible Organizations not more than ten (10) numbers per request, while allowing MGI users almost unlimited numbers, comports with the Commission's equal access mandate for toll free number distribution.

The Commission should direct the SMS/800 Management Team to conduct a comprehensive review of its database access system and create a fair consensus of opinion as to any proposed modifications for accessing the database before permitting the release of 855 numbers or any other toll free codes.

The Commission should also delay the release of additional toll free number codes until it has considered the North American Numbering Council's alternatives to the management and supervision of the SMS/800 database provided by; completed its just-opened proceeding on means of preventing number exhaust and acted upon the pending Petitions for Reconsideration of the *Fourth Report and Order*.

The Commission can complete these actions with no harm to the public or threat of number exhaust. According to the most recent DSMI estimates, toll free number exhaust will not occur sooner than October 1, 2004.

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**To:    The Common Carrier Bureau**

**COMMENTS**

The Toll Free Commerce Coalition ("TTFCC"), by its attorneys, provides these comments in response to the Common Carrier Bureau's request for views regarding petitions and comments supporting and opposing the release of 855 toll free codes.<sup>1</sup>

**I.       INTRODUCTION AND SUMMARY**

As TTFCC demonstrated in its Petition for Emergency Relief and Expedited Action filed on November 13, 2000, the continuing disparities in the means of accessing the SMS/800 toll free number reservation data base violate the Federal Communications Commission's first-come, first-served policy for the distribution of toll free numbers. As implemented by Database Service Management, Inc. ("DSMI") operating under the auspices of the SMS/800 Management Team and the SMS/800 Number Administration Committee ("SNAC"), the process is not orderly, efficient or fair. In particular, the discrimination caused by one means of database access -- as reflected in system lockouts and freeze ups for the majority of Responsible Organizations-- violates the Commission's core goal of ensuring that "[a]ll subscribers... be

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<sup>1</sup> *Comments Sought on Petitions for Emergency Relief Regarding Release of the 855 Toll Free Code*, CC Docket No. 95-155, File No. NSD-L-00-249, Public Notice, DA 00-2688, released November 29, 2000.

given an equal opportunity to reserve desirable toll free numbers as new codes are opened.”<sup>2</sup>

Moreover, limiting certain Responsible Organizations (“RespOrgs”) to only ten (10) number requests at a time is inconsistent with the Commission’s direction to provide all subscribers with equal access to the toll free numbering resource.

In its Petition for Emergency Relief, TTFCC demonstrated that the use of mechanized generic interfaces (“MGI”) by certain RespOrgs had the effect of locking out other RespOrgs using Graphical User Interfaces (“GUI”) and dial-up systems (also known as 3270 access). Contrary to the claims made by the SMS/800 Management Team and DSMI (hereinafter referred to as “SMT/DSMI”) in their comments in response to TTFCC’s petition, these are not new claims nor are they made by TTFCC alone. TTFCC is including as Attachment A letters from other RespOrgs and toll free number users expressing serious concerns over access to the SMS/800 database during the crucial new number rollout process. In fact, the record in CC Docket 95-155 is replete with longstanding concerns over DSMI’s ability to administer the toll free database without breakdowns or bias.<sup>3</sup> Moreover, the Commission itself has noted continuing concerns with DSMI’s operations and the need to restructure the current toll free numbering administration system.<sup>4</sup>

In its comments, SMT/DSMI offers no evidence that they have resolved the lockouts and freeze ups caused by MGI access. In fact, SMT/DSMI admit that their so-called system “stress tests” from October of this year did not test the impact of MGI technology at all. Without MGI-

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<sup>2</sup> *In the Matter of Toll Free Service Access Codes*, Fourth Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 9065 ¶ 25 (1998) (*Fourth Report and Order*) (emphasis added).

<sup>3</sup> See, e.g., Ex Parte Presentation of AT&T, Sprint and MCI in CC Docket 95-155, January 7, 2000; Reply Comments of MCI Worldcom, December 16, 1999; Comments of MCI Worldcom, December 2, 1999; Comment of MCI, July 1, 1998.

<sup>4</sup> *In the Matter of Toll Free Service Access Codes*, Fifth Report and Declaratory Rulings in CC Docket 95-155, FCC 00-237, ¶¶ 28-29 (rel. July 5, 2000) (*Fifth Report and Order*).

based RespOrg participation in these tests, SMT/DSMI cannot claim a cure for the lock outs documented by TTFCC and others.

TTFCC believes that SMT/DSMI's failure to respond to RespOrg complaints on this matter, and the inexplicable rush to release more toll free access codes, demonstrates that the SNAC and SMS/800 Management Team have been unwilling or unable to adequately consider the concerns of the majority of RespOrgs in accordance with Alliance for Telecommunications Industry Solutions ("ATIS") and its Ordering and Billing Forum ("OBF") guidelines.

The Commission should defer the release of the 855 toll free service code until such time as SNAC, DSMI and the SMS/800 Management Team have demonstrated to the satisfaction of the Commission through accurate stress tests including MGI RespOrgs that they have adequately rectified the problems that marred previous toll free rollouts. The Commission should invite public comment on these tests and direct DSMI to allow all RespOrgs adequate time to incorporate any changes resulting from these tests prior to the next number rollout. The Commission should also direct SMT/DSMI and the SNAC to explain how their decision to limit GUI and dial-up RespOrgs to not more than ten (10) number requests—while placing no effective limits on MGI RespOrgs—meets the Commission's policy of providing equal access to the toll free numbering resource.

TTFCC further urges the Commission to defer the next rollout of toll free numbers until it has resolved other related matters. First, the Commission should take this opportunity to carefully consider the recommendations of the North American Numbering Committee ("NANC") as to the future ownership and operation of toll free number administration.<sup>5</sup> The Commission should also complete its proceeding to consider additional measures to avoid

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<sup>5</sup> *Fifth Report* at ¶ 29. In accordance with the deadlines set out in the *Fifth Report*, the Commission will receive recommendations from NANC as to the future structure of toll free administration in March 2001.

number exhaust, including possibly charging users of numbering resources.<sup>6</sup> The Commission should also act on the still-pending Petitions for Reconsideration of its *Fourth Report and Order* that created the first-come, first-served policy that DSMI, SNAC and the SMS/800 Management Team are still struggling to implement fairly. Allowing adequate time to resolve these pending issues prior to the rollout of any future service access codes will in no way harm toll free number users. According to the latest DSMI estimates, toll free number exhaust will occur no earlier than October 4, 2004. Resolving these pending matters will ensure that all RespOrgs, and the toll free number users they represent, have a more robust and equitable number distribution system in place.

## **II. SMT/DSMI FAIL TO DEMONSTRATE THAT THEY HAVE CURED NON-MGI RESPORG LOCKOUTS FROM THE SMS/800 DATABASE**

SMT/DSMI readily acknowledges that the claims of TTFCC and the Toll Free Number Coalition (“TFNC”) as to lock outs from the SMS/800 database are correct. All parties agree that GUI and dial-up RespOrgs are locked out of the database for 25-30 minutes or more at the outset of a new code release.<sup>7</sup>

Yet DSMI refuses to acknowledge that MGI could be the cause of system lockouts or to test this hypothesis at all. Apart from the bald assertion that MGI orders cannot block orders from users of other interfaces, SMT/DSMI provide no evidence to disprove these continuing complaints. Instead, they claim that elimination of the “response mode” for GUI and dial-up

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<sup>6</sup> *Federal Communications Commission Takes Additional Steps to Safeguard the Nation’s Telephone Numbering System*, Press Release of December 7, 2000 announcing a Further Notice of Proposed Rulemaking in CC Docket Nos. 99-200 and CC 96-98.

<sup>7</sup> TFNC Petition for Emergency Relief at 5; TTFCC Petition for Emergency Relief at 4-5 (*See, in general*, TTFCC Emergency Petition of July 26, 2000); Comments of SMT/DSMI at 5 and Wade Declaration at ¶¶ 5-6.



users and allowing them to submit a continuous stream of requests has resolved the problem.<sup>8</sup>

Earlier, however, SNAC determined that first-come, first-served policies were violated among the three access methods due to “different transaction codes.”<sup>9</sup>

Despite these conflicting causes of lockouts and repeated complaints about MGI’s role in lockouts, to TTFCC’s knowledge the SMS/800 managers have never conducted an accurate stress test reflecting the conditions present at the time of the code release that included MGI, GUI and dial-up access methods to rebut claims of MGI-caused lockouts.

#### A. SMT/DSMI’s Stress Tests are Flawed

TTFCC’s and others’ claims as to system lockouts are premised upon situations where GUI and dial-up RespOrgs must compete simultaneously against MGI RespOrgs for access to the SMS/800 data base. From the little information made available by SMT/DSMI and SNAC, their several tests failed to replicate this situation at all. The Commission should therefore dismiss their claims as to the cause of past system lockouts and the limited cures implemented to date.

SMT/DSMI do not suggest that MGI RespOrgs participated in the September 6, 2000 testing.<sup>10</sup> Nor do they indicate that MGI RespOrgs participated in the October 12 or 17 stress tests.<sup>11</sup> In fact, the record demonstrates that MGI access has never been tested against GUI and dial-up at all. During the November 3, 2000 SNAC Conference Call, a question was asked as to whether a testing scenario took place where the different online users “requested the same 855 number at the same time.” The response was that “a specific scenario was not set up for the

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<sup>8</sup> SMT/DSMI Comments at 5; Wade Declaration at ¶¶ 7, 11.

<sup>9</sup> SMS/800 Number Administration Committee (SNAC) Conference Call, November 3, 2000 (*See* Attachment B)

<sup>10</sup> SMT/DSMI Comments at 4-5.

<sup>11</sup> *Id.* at 5; Wade Declaration at ¶¶ 5-7.

guest testing, but this scenario has been tested internally by Telecordia...”<sup>12</sup> Therefore, the crucial “Go-No go” SNAC decision on 855 rollout was not based upon the real world scenarios experienced by non-MGI RespOrgs. To date, neither DSMI nor the SMS/800 Management Team has released any details on these stress tests that would demonstrate otherwise. The Commission should require them to do so and permit the public to comment on these results.

The burden of proving the integrity of the SMS/800 database must be placed on the entities with exclusive control and access to it. Considering the fact that DSMI and the SMS/800 Management Team provide MGI access at minimum additional charge of \$554,899,000, it is no wonder that these entities are hesitant to test claims that MGI could be the cause of system lockouts.<sup>13</sup> TTFCC is extremely concerned that an entity with exclusive control of access to an essential numbering facility also is in a position to offer preferred access as a sole source provider at a substantial surcharge. At a minimum, this unique arrangement demands that the database managers go to extraordinary lengths to demonstrate that their MGI access product is not the cause of discrimination against non-MGI users during numbering rollouts. Instead, they have repeatedly ignored these concerns. The Commission should now require that the managers of the SMS/800 database, or an independent body, conduct tests to ensure that MGI access is not inhibiting others’ access to this essential resource to the advantage of MGI users.

#### B. MGI Users Should Not Have Preferred Access to the SMS/800 Data Base

Rather than demonstrate that it has cured, or even investigated, the freeze outs caused by MGI access, SMT/DSMI is content to claim that MGI RespOrg’s preferred access to the essential numbering database is consistent with the Commission’s “equal access” policies. The

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<sup>12</sup> See SNAC November 3, 2000 Conference Call Record at Attachment B.

<sup>13</sup> DSMI provides MGI access to the database for a minimum additional fixed charge of \$554,889,000 in accordance with the 8000 Service Management System (SMS/800) Functions Tariff No. 1 (SMS/800 Tariff).

Commission has never made such a finding in response to claims that MGI access actually hinders access by GUI and dial-up RespOrgs.

SMT/DSMI wrongly claim that the Commission has somehow concluded that the use of MGI access is consistent with “equal opportunity” to access the database and that petitioners are attempting to re-litigate the first-come, first-served issue.<sup>14</sup> First, the Commission has never determined that MGI, as applied, allows for equal access to the database. In 1997, the Common Carrier Bureau merely determined that it was not convinced that “MGI alone is the major source of reservation abuses.” At that time the Bureau pointed to repairs of existing computer programs and adoption of a permanent cap on reservations as means of protecting non-MGI RespOrgs.<sup>15</sup> Thus, the Commission has never acted directly upon the express claims raised by TTFCC and others that MGI, while inherently more efficient, also acts to block access to the database.

At the same time, TTFCC fails to understand how SMT/DSMI can claim that MGI access should not be restricted during the rollout periods in order to ensure “equal access” to the database.<sup>16</sup> For elsewhere in its Comments, SMT/DSMI admits that MGI users have an inherent technological advantage that requires GUI and on-line users to employ significant additional resources during number rollouts to have even a fighting chance for numbers during crucial rollout periods.<sup>17</sup> At the same time, SMT/DSMI is scrupulous in avoiding the solution that would have MGI users adopt a similar “Rube Goldberg” approach during rollouts as a means of creating equal access.

SMT/DSMI also misconstrues TTFCC’s goal in filing its Emergency Petition. It is not, as SMT/DSMI suggests, that GUI and dial-up users receive the same number of requested

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<sup>14</sup> SMT/DSMI Comments at note 10.

<sup>15</sup> *Toll Free Service Access Codes*, Report and Order, 11 FCC Rcd 2496 ¶22 (1996).

<sup>16</sup> SMT/DSMI Comments at note 10.

<sup>17</sup> *Id.* at 8; Wade Declaration at ¶11.

numbers as MGI users; only that all RespOrgs have the opportunity to access the data base on equal terms.

### C. GUI and Dial-up RespOrgs Should Not be Limited To Ten Numbers

Nor does SMT/DSMI explain why MGI users should be able to request unlimited numbers during rollouts while GUI and dial-up RespOrgs are limited to ten numbers. SMT/DSMI's claims as to "roughly equivalent" access to the database by all RespOrgs is completely undermined by this purported fix of the problem. They explain that now they will permit GUI and on-line users to request up ten (10) numbers in a single request, instead of just one, as had been the case through the 888, 877, and 866 rollouts.<sup>18</sup> At the same time, MGI users will be able to receive many thousands of numbers with the click of a button. TTFCC fails to understand how this "fix" constitutes equal access to the database. The Commission should require that the SMS/800 Management Team and SNAC explain how this "fix" constitutes equal or equivalent access to the database. The Commission should also require that they explain the technical justification for limiting GUI and dial-up users to up to ten (10) numbers per request while MGI users can request as many numbers as they wish. The Commission should also investigate why it took so long for the SMS/800 Management Team to recognize the gross inequity of permitting non-MGI RespOrgs to request only one number at a time.

## III. THE SNAC DECISION-MAKING PROCESS IS FLAWED

SMT/DSMI attempt to mask the infirmities in their testing by trumpeting the "consensus" by the industry to move forward with number rollouts and the "unanimous" consent of the companies participating in the crucial "Go-No go" November 3<sup>rd</sup> SNAC conference call. Even a

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<sup>18</sup> SMT/DSMI Comments at 6; Wade Declaration at ¶10;

cursory look at the record shows that SNAC decision making, at least on these issues, is fundamentally flawed.

TTFCC in no way wishes to impugn the general fairness of the decision-making processes established by ATIS or its OBF committee. TTFCC's concern here, however, is that the SNAC has failed to follow these processes when confronted with complaints over unequal access to the toll free database. The record reflects SNAC's cavalier attitude as to following the ATIS/OBF procedures and responding to the legitimate concerns of non-MGI RespOrgs. In retrospect, SNAC's and the SMS/800 Management Team's actions reflect nothing more than their vested interests in the MGI interface.

The record reflects a continuing unwillingness to implement equal access to the database, except among MGI users, or to heed the concerns of GUI and dial-up users. First, the record indicates that SNAC decided to implement the 866 number rollout despite its knowledge that database access was not in compliance with first-come, first-served principles. Despite clear evidence as to a need for a software fix, the SNAC meeting record shows that SNAC rejected a delay in 866 with resulting prejudice to GUI and dial-up users. *See* Attachment C. TTFCC notes that the Commission, while informed of SNAC's decision, did not approve the flawed distribution of 866 numbers in contravention of its first-come, first-served policies.<sup>19</sup>

Next, SMT/DSMI repeatedly claim that their decision making process is entirely open, and that RespOrgs are responsible for their failure to participate in ongoing data base access discussions.<sup>20</sup> To the best of TTFCC's knowledge, neither it nor any of its members received advance notice of the several meetings referred to by SMT/DSMI, but particularly not to the crucial October 4<sup>th</sup> and November 3<sup>rd</sup> meetings where potential access problems and cures were

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<sup>19</sup> See Attachment to SMT/DSMI Comments, Letter to Charles Keller, Chief of the Network Services Division from Ronald D. Havens, OBF Administrator, June 5, 2000.

<sup>20</sup> See, e.g., SMT/DSMI Comments at 2, 6, 8.

discussed. The almost complete lack of non-MGI RespOrg participation on the November 3<sup>rd</sup> call, a call dealing directly with a crucial concern of these entities, raises serious questions as to the extent of RespOrg notice of this meeting. OBF Guidelines generally require that conference call agendas be distributed to “full committee participants” no less than 30 calendar days prior to the date the call is held.<sup>21</sup> Either an agenda was not distributed, or it was not distributed to the hundreds of RespOrgs who are not “full committee participants.” TTFCC notes that as recently as May 2000 the ATIS General Counsel expressed concerns with the adequacy of SNAC’s meeting notice procedures.<sup>22</sup>

SMT/DSMI claim that all RespOrgs were invited to learn about and discuss the primary cause of system congestion and a system test in an October 4, 2000 conference call is even more suspect.<sup>23</sup> The SNAC record of meetings<sup>24</sup>—including conference calls—does not reflect that such a meeting took place at all, despite OBF guidelines that require meeting notes to be posted within 28 calendar days of the conference call.<sup>25</sup>

SMT/DSMI then claims that consensus was reached at the crucial November 4 Conference Call that GUI and on-line access problems had been resolved and that 855 roll out should proceed on November 18.<sup>26</sup> The OBF Guidelines define consensus—the means for resolving SNAC issues—as “substantial agreement among interest groups participating in the issue. Interest groups are those materially affected by the outcome of the result. The consensus process is to be free from interest group dominance, requiring that all views and objections be considered. This requires that a concerted effort be made toward issue resolution.”<sup>27</sup>

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<sup>21</sup> Ordering and Billing Forum Guidelines, November 2000, at 30 (“OBF Guidelines”).

<sup>22</sup> SNAC OBF #70 Meeting Minutes, May 22-26, 2000 at 1.

<sup>23</sup> SMT/DSMI Comments at 4; Wade Declaration at ¶ 5.

<sup>24</sup> Contained in the ATIS website at [www.ATIS.org](http://www.ATIS.org).

<sup>25</sup> OBF Guidelines at 31-32.

<sup>26</sup> SMT/DSMI Comments at 6, 8; Wade Declaration at ¶ 8.

<sup>27</sup> OBF Guidelines at 2. The ATIS General Counsel reviewed these guidelines with the SNAC on May 22, 2000.

As the attached November 3 meeting notes starkly show, nothing like consensus could have occurred on a matter impacting over 300 RespOrgs that divided them based upon access technologies. First, according to the “List of Participants,” no more than 11 distinct RespOrg companies were on the call.<sup>28</sup> Of these few RespOrgs, at least nine (9) were MGI RespOrgs. Under these conditions, there clearly could not have been an OBF-sanctioned consensus among the “interest groups affected by the matter.” In fact, this crucial meeting was dominated by one interest group—MGI RespOrgs and the management groups with an interest in promoting MGI use. While SMT/DSMI might claim that the silence of the one non-MGI RespOrg on the call constituted consent to the rollout by the entire non-MGI community, even that extraordinary claim is rebutted by the fact that this RespOrg, 800 Response, filed an emergency petition with the Commission just five days later urging delay in the 855 rollout as part of TFNC’s Emergency Petition. TFNC urged delay in 855 distribution for the very database access concerns that SMT/DSMI now claim were resolved by consensus on the November 3, 2000 conference call.

Finally, in SMT/DSMI’s haste to roll out toll free numbers, they completely disregarded their obligations to provide RespOrgs with sufficient time to even implement the purported improvements to the toll free number request process that they trumpet in their comments. SMT/DSMI carefully explains that the revised software (Release 11.2.3)-- purporting to fix GUI and dial-up access to the data base-- was announced in early October, then tested, and installed in the SMS/800 environment on November 4. Attached to the SMT/DSMI Comments is SMS/800 Bulletin No. SMS-00-215, dated October 4, 2000. The Bulletin announces that the 11.2.x

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<sup>28</sup> Companies participating were AT&T, Sprint, Bell Canada, AT&T Canada, WorldCom, SBC, 800 Response, Qwest, Verizon, ICB and Pacific Bell. TTFCC can only assume that representatives of SMT, Telecordia, DSMI, SWB, SMS/800 and ATIS did not participate in the “go-no go” decision.

software will become available for familiarization on October 6 and generally available on November 4, 2000.<sup>29</sup>

This software rollout was in direct contravention of the notice requirements of SMS/800 Tariff No. 1. The tariff requires that the SMS/800 management team provide RespOrgs reasonable notification of service-affecting activities that may occur in the normal operation of RespOrg's businesses. The tariff further specifies notice requirements in particular circumstances. For any changes to the screens used to input data on-line to the SMS/800 database, RespOrgs must receive a minimum of sixty (60) days advance notice.<sup>30</sup> Whether the Commission was to ultimately determine that notice to RespOrgs occurred on October 4<sup>th</sup> or November 4<sup>th</sup>, in neither case did the decision to roll out 855 on November 18<sup>th</sup> come close to meeting the minimum 60 day notice requirement. The total disregard for this tariff requirement reflects a complete breakdown of the decision-making process as it relates to resolving the issues raised by TTFCC and others.

Those responsible for considering the concerns of all RespOrgs seem more concerned with releasing toll free numbers with unnecessary haste despite the absence of imminent number exhaust. The SMS/800 Management Team's handling of this matter confirms the Commission's decision to direct NANC to recommend alternatives to the current ownership and control of the toll free database. The Commission should not permit the rollout of additional codes while it considers this change. In the interim, TTFCC respectfully requests that the Commission also investigate why SNAC is seeking to release new toll free access codes with such haste, an action that is clearly contrary to the Commission's expressed interest in preserving numbering resources

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<sup>29</sup> This software increased the availability to request numbers from one to ten, added a new screen and made several fundamental changes to the number request method.

<sup>30</sup> SMS/800 Tariff No. 1, Section 2.1.6 (C).



in general and its specific concern in preventing the widespread hoarding and frivolous acquisition of toll free numbers.<sup>31</sup>

#### IV. CONCLUSION

The record established to date demonstrates that there is a reasonable basis to believe that, at a minimum, the SMS/800 management team has not definitively ruled out MGI access as the cause of freeze outs and lock outs to other access technologies. Despite repeated claims and protests, SMS/800 managers have still not conducted a stress test incorporating MGI users and reflecting actual code release load conditions in the SMS/800 system. It has not released stress test results. SNAC has not reached a broad consensus among RespOrgs that 855 number rollout should proceed. Nor does SMS/800 management explain how permitting GUI and dial-up RespOrgs not more than 10 numbers per requests, while allowing MGI users almost unlimited numbers, comports with the Commission's equal access mandate on toll free number distribution.

The Commission should direct the SMS/800 Management Team to complete these tasks before permitting the release of 855 numbers or any other toll free codes. The Commission should also delay the release of additional toll free number codes until it has: (1) considered the North American Numbering Council's alternatives to the management and supervision of the SMS/800 database; (2) completed its just-opened proceeding on means of preventing number exhaust; and (3) acted upon the pending Petitions for Reconsideration of the Toll Free Service Access *Fourth Report and Order*.

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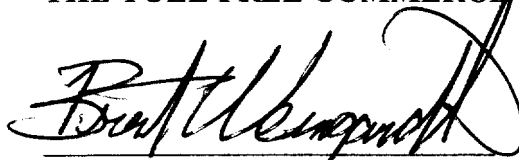
<sup>31</sup> See, e.g., Letter to Michael Wade, President of DSMI from L. Charles Keller, Chief of the Network Services Division, December 6, 2000, DA 00-2754 (released December 7, 2000)

The Commission can complete these actions with no harm to the public or threat of number exhaust. According to the most recent DSMI estimates, toll free number exhaust will occur no earlier than October 1, 2004.

Respectfully submitted,

**THE TOLL FREE COMMERCE COALITION**

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## CERTIFICATE OF SERVICE

I Fatmata B. Deen, hereby certify that on December 13, 2000, copies of the preceding "Comments" of The Toll Free Commerce Coalition were served by overnight mail or hand-delivered to the following persons at the addresses below unless otherwise indicated:

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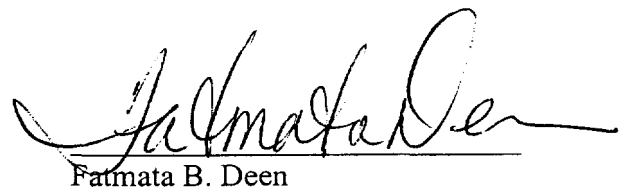
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